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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/521,996 | 01/14/2005 | Pietro Bertelloni | 1011-671 | 1711 |
| 7590 | 11/15/2005 | | EXAMINER | |
| James V Costigan Hedman & Costigan 1185 Avenue of the Americas New York, NY 10036-2601 | | | VU, STEPHEN A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3636 | |
| DATE MAILED: 11/15/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/521,996

Applicant(s)

BERTELLONI, PIETRO

Examiner

Stephen A. Vu

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 19-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 19-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/14/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on January 14, 2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

The abstract of the disclosure is objected to because the abstract appears to be a photocopy of the abstract of the applicant's PCT application. Correction is required. See MPEP § 608.01(b). This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Claim Rejections - 35 USC § 112

Claims 1 and 19-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 19-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Hill (#5,911,473).

Hill shows a seat comprising supporting means connected to the seat upright, whereby an oscillating pin is positioned between the supporting structure and the upright and means suitable for preventing the oscillation of the pin being provided between the pin and the supporting structure.

With claim 19, means for adjusting the amplitude of the oscillation around the axis of the pin is provided.

With claim 20, the pin is rigidly connected to the upright and rotably connected to the supporting structure.

With claim 21, the pin is integral with the supporting structure and connected to the upright.

With claim 22, a tubular guide within the pin is integrally connected to the upright.

With claim 23, the means for controlling the sliding of the pin within the tubular guide comprises pulling means extending between the upright and at least one end of the pin.

With claim 24, the pin is threaded and the tubular guide is threaded on the inside, wherein manual actuating means is provided at one end of the pin to impart an angular displacement to the pin.

With claim 25, the means for locking the oscillation comprise an element that slides on the supporting structure and a seating integral with the pin.

With claims 26 and 29, the means for locking the oscillation of the pin regulates the amplitude of the oscillation.

With claim 27, a first sleeve with an inclined end is coaxially fixed to one end of the tubular guide and a second sleeve with a complementary inclined end.

With claim 28, the support structure has parts integral with the saddle support and parts integral with the upright.

With claim 30, a tooth projects within a longitudinal slot on the tubular guide.

With claim 31, the pin engages in a longitudinal groove integral with the supporting structure.

With claim 32, the means for controlling the oscillation comprises a radial rib arranged between two walls situated at a gradually variable distance from each other.

With claim 33, the walls situated at a gradually variable distance from each other consist of a flared groove of a substantially triangular section provided in a small block.

With claim 34, the walls situated at a gradually variable distance from each other consist of the ends of two setting screws axially facing to each other.

With claim 35, the means for controlling the oscillation comprise a longitudinal groove provided on the pin and a prismatic tooth of a substantially triangular section.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Proust, Unger, Jr., Caraballo, and Wu are cited as showing similar types of seat.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A. Vu whose telephone number is 571-272-6862. The examiner can normally be reached on M-F from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Stephen Vu". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Stephen Vu
November 9, 2005